

# **TIVERTON TOWN COUNCIL AGENDA**

**Regular Meeting: Monday, June 27, 2011 at 7:00 p.m.**

**NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 forty-eight (48) hours in advance of the meeting date.**

**DATE POSTED: 06-23-2011**

## **1. PLEDGE OF ALLEGIANCE TO THE FLAG**

## **2. ROLL CALL**

**Jay Lambert-President David M. Nelson**

**Cecil E. Leonard-Vice President Brett N. Pelletier**

**Joan B. Chabot Edward Roderick**

**Robert D. Coulter**

## **3. APPROVAL OF CONSENT AGENDA**

**All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.**

**4. A. BUSINESS BROUGHT BEFORE THE COUNCIL**

**CONSENT AGENDA:**

**(C.A.) 1. a. No minutes available**

**(C.A.) 2. Receipt of Minutes from the Following Boards, Commissions**

**a. Prevention Coalition**

**b. FTM Changes Advisory Committee**

**c. Cemetery Commission**

**(C.A.) 3. Correspondence – Receive and File**

**a. Received From Tiverton Conservation Commission – July 21, 2011 Workshop on “Protecting**

**Tiverton’s Drinking Water Supply Smart Strategies for Growth & Development” to be Held at**

**Tiverton Town Hall from 7 to 9 pm**

**b. Received from Group of Citizens Requesting Any Proposed Settlement to the O’Dell vs. Town of**

**Tiverton Case be Publicly Disclosed Before it is Signed or Before any Stipulation of Dismissal is**

**Filed in Court and that Councilors Coulter and Nelson Recuse From Any Council Discussions or**

**Decisions Regarding the O’Dell Case**

**c. Resolution Received From West Warwick School Committee in Support of Senate Bill**

**Amending Mandatory March 1 Deadline to June 1st Relative to Layoff Notice**

**(C.A.) 4. Approval of Tax Assessor Abatements**

**(C.A.) 5. Chief Blakey – Council Approval for Installation of the Photovoltaic Panels on Town Buildings for**

**Projected Electricity Savings As Discussed at June 13th Meeting**

**(C.A.) 6. Bob Martin/Recreation – Request Authorization to Award Bid for Softball Field Fence at**

**Bulgarmarsh Park to Cosco Fencing & Guardrail, 707 Park East Drive, Woonsocket, RI for \$13,750**

**Paid With Grant Funds (Not Reached at June 13, 2011 Meeting)**

**(C.A.) 7. Proposed Draft Ordinance for Streetlights and Energy Efficient Roadway Lights Referred to**

**Conservation Commission and Planning Board**

**(C.A.) 8. Chief Blakey TPD – Request Authorization to Purchase Three (3) New Dodge Police Cruisers From**

**Low Bidder MHQ Vehicles, Equipment and Gear for \$23,537 Each, Totaling \$70,611.00**

**(C.A.) 9. Town Clerk – Extension of Moratorium on Bay Street Area**

**to December 31, 2011**

## **B –PUBLIC HEARINGS & PUBLIC PRESENTATIONS**

**1. Honorable Representative John Edwards – Presentation of Grant to Recreation Commission**

**2. Harbormaster David Vannier – Request Council Approve Agreement Between Town of Tiverton and RIDEM, Division of Law Enforcement for the Award of a 1997 26' Mako C-26 Patrol Boat, Twin 2002 225HP Outboards and a 1997 Trailer to be Used by Harbor Commission**

**3. St. Theresa's Church –Public Hearing on Sound Variance – Live Band Performing on August 5 & Aug 6, 2011 from 6:00p.m.to 9:00p.m.**

**4. Town Solicitor - Public Hearing of Comprehensive Amendments to the Tiverton Code of Ordinances Continued from June 13th Meeting and Vote on Amendments**

## **C. BOARD OF LICENSING**

**1. Randall E. Fernandes, dba Sakonnet Bay Asset Protection – Request Approval for Private Detective**

**License – Subject to Meeting All Legal Requirements**

## **D - APPOINTMENTS & RESIGNATIONS:**

## **1. Resignations from Boards and Commissions**

**Martha Moore – Open Space Commission**

## **2. Reappointments and New Appointments to Boards and Commissions – Attached List**

### **E - UNFINISHED BUSINESS:**

#### **1. Jeff Caron and Nancy Driggs, Co-Chairs FTMCAC**

##### **Submission of FTMCAC Documents**

###### **a. Cover Letter**

###### **b. Version I: Charter Amendment Proposal**

**Sample Ballot**

**Schedule Flow Chart**

###### **c. Version 2: Charter Amendment Proposal**

**Sample Ballot**

**Schedule Flow Chart**

###### **d. FTR Issue Tracking Sheet Dated June 21, 2011**

**Town Council Discussion of the Above Listed Items**

**Town Council Approval to Forward Documents to Public Hearing**

## **2. Councilor Coulter – Long Term Financial Plan – Not Addressed at June 13th Meeting**

### **a. Provide Status Report on LTFP/FCAP**

### **b. Request Input on Unrestricted General Fund Target**

### **c. Discuss Timeline for Receipt of Capital Improvements Plan/Program**

### **d. Request Scheduling of Further Steps re” Pensions and Other**

## **Unfunded Liabilities**

### **e. Request Scheduling of Report and Forecasts of Pay As You Throw Revenues**

### **3. Councilor Chabot – Model Contract – Continued From May 23, 2011**

## **F – FINANCIAL BUSINESS:**

### **1. Town Administrator – Request Transfers, Carry Forwards & Releases Per Attached Listing – Continued From June 13th Meeting**

## **G - NEW BUSINESS:**

## **H – BIDS AND REQUESTS FOR PROPOSALS**

### **1. Town Administrator – Request Council Approval to Award of the Audit of Town (School) Records for FY 2011, 2012, 2013 to Baxter, Dansereau and Associates, LLP.**

## **I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

## **J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Councilor Coulter – From June 13 Consent Agenda to be Addressed Under Item J – Not Addressed**

**a. Approval of Minutes From Regular Council Meeting April 25, 2011**

**b. Approval of Executive Session Minutes of Special Council Meeting May 18, 2011**

## **K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS**

**1. Brief Update on Tiger Tree/James Pelletier v Tiverton**

**a. Tiger Tree Landscaping DEM Application for Agricultural Compost Registration**

**b. Councilor Roderick - Planning Board Decision – Recommendation to Town Council Regarding Zoning Ordinance Amendment Requested by James Pelletier Referred by Town Council on March 28, 2011 – Requested at June 13th Meeting**

**2. Brief Update on O'Dell v Tiverton**

**a. Joint Stipulating to Continue Hearing on All Motions For June 6th to August 1, 2011**

**c. RFQ for Special Counsel**

**d. Verbal Report From Town Clerk on Qualifications Received**

**e. Scheduling of Special Meeting for Interviews and Appointment of Special Counsel**

**3. Department of Education – Tiverton School Committee v. Town of Tiverton**

**Decision of Commissioner of Education**

**4. Bay Street – EPA Mercury Investigation – Consent for Access to Property**

#### **4. CLOSED EXECUTIVE SESSION**

**1. Town Solicitor – Litigation – 42-46-5(a)(2) –**

**a. Tiverton School Committee v. Town of Tiverton**

**b. Campbell/Moran v. Tiverton and Tiverton Yacht Club**

**c. Bay Street: In Re Envirologic**

**d. O'Dell v Tiverton**

**A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended**

**6. ADJOURNMENT Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”**